

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Willie R. Arthur, II,  
Plaintiff

v.

Case No. 1:05-cv-707

Marti J. Donini, et al.,  
Defendants

---

**ORDER AFFIRMING REPORT AND RECOMMENDATION**

---

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed December 1, 2006 (Doc. 19).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections have been filed to the Magistrate Judge's Report and Recommendation.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, **IT IS ORDERED** that the Magistrate Judge's Report is **ADOPTED** as follows:

- 1) Plaintiff's complaint is DISMISSED with prejudice;
- 2) Defendants' motion for summary judgment is DENIED AS MOOT;

3) The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that with respect to any application by petitioner to proceed *in forma pauperis*, an appeal of this Order would not be taken in good faith.

**SO ORDERED.**

Date: January 3, 2007

s/Sandra S. Beckwith

Sandra S. Beckwith

United States District Judge